

REMARKS/ARGUMENTS

Status of the Claims

Upon entry of the present amendment, claims 55-66 and 68-81 are pending. Claim 67 is cancelled. Claims 1-54 were previously canceled without disclaimer or prejudice to renewal. Amended claim 55 finds support, for example, on page 6, lines 1-2 and in claim 1 as originally filed. Amended claims 73 and 75 find support in the claims as originally filed.

Interview with the Examiner

Applicants thank Examiner Clow for graciously granting the telephonic interview with Applicant's representative John Storella and Applicants' attorney Annette Parent on November 22, 2005. The issues discussed during the interview are set forth in the Interview Summary mailed on November 29, 2005. During the interview, claims 55, 67, 73, and 75 were discussed. Examiner Clow indicated that amending claim 55 to include a correlating step in the preamble would address the utility rejection, and amending claim 55 to recite differential gene expression would address the enablement rejection.

Rejection under 35 U.S.C. § 101, utility

The Examiner has rejected claims 55-81 under 35 U.S.C. § 101 for allegedly lacking utility. To expedite prosecution, claim 55 is amended to recite in the preamble that the methods provide a means for "correlating" gene and protein expression in a sample. Applicants respectfully request that the rejection be withdrawn.

Rejection under 35 U.S.C. § 112, first paragraph, enablement requirement

The Examiner rejected claims 55-81 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. To expedite prosecution, claim 55 is amended to recite the step of "identifying a differentially expressed mRNA." Applicants therefore respectfully request that the rejection be withdrawn.

Rejection under 35 U.S.C. § 112, second paragraph, clarity requirement

The Examiner rejected claim 55 as allegedly lacking clarity for reciting "identifying mRNA." To expedite prosecution, the claim has been amended to recite identifying "differentially expressed" mRNA.

The Examiner rejected claim 67 as allegedly lacking clarity. This claim has been cancelled.

The Examiner rejected claims 73 and 75 for reciting additional steps. Applicants have amended these claims to clarify when the additional steps are performed.

Applicants therefore respectfully request that the rejections be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,


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